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15th May 2020

Dear Mr. Sild,

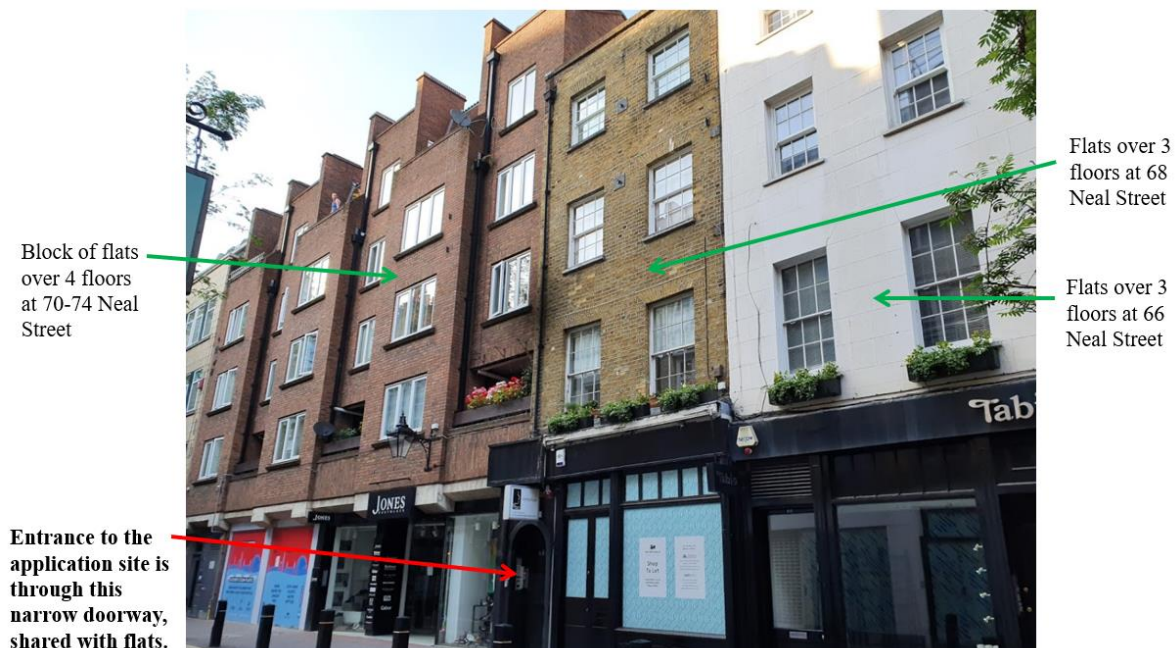
Re application ref. 2020/1133/P, to turn the Basement & Ground Floor at 68A Neal Street WC2H 9PA from B1 office use to an alcohol-led events space

Covent Garden Community Association strongly OBJECTS to this application. We can see no policy grounds to justify its approval, and plenty to refuse it.

An alcohol-led operation of the nature for which this change of use is sought would normally require a licence under the Licensing Act 2003. It would therefore be subject to restriction, and we believe in this case refusal, through reliance on policy and enforcement under both the Planning and Licensing regimes. However, the applicant's specific business model exploits a loophole through which it is not required to apply for a licence. It is therefore especially important that the Local Authority takes care to invoke Planning policies to prevent nuisance and protect amenity in this case, as the local community has no 'back-up' protection via Licensing.

Context of the site

View from the front on Neal Street



The application site comprises parts of a modern office building. The building is tucked behind and between Neal Street and Endell Street, in a part of Covent Garden where buildings are densely packed.

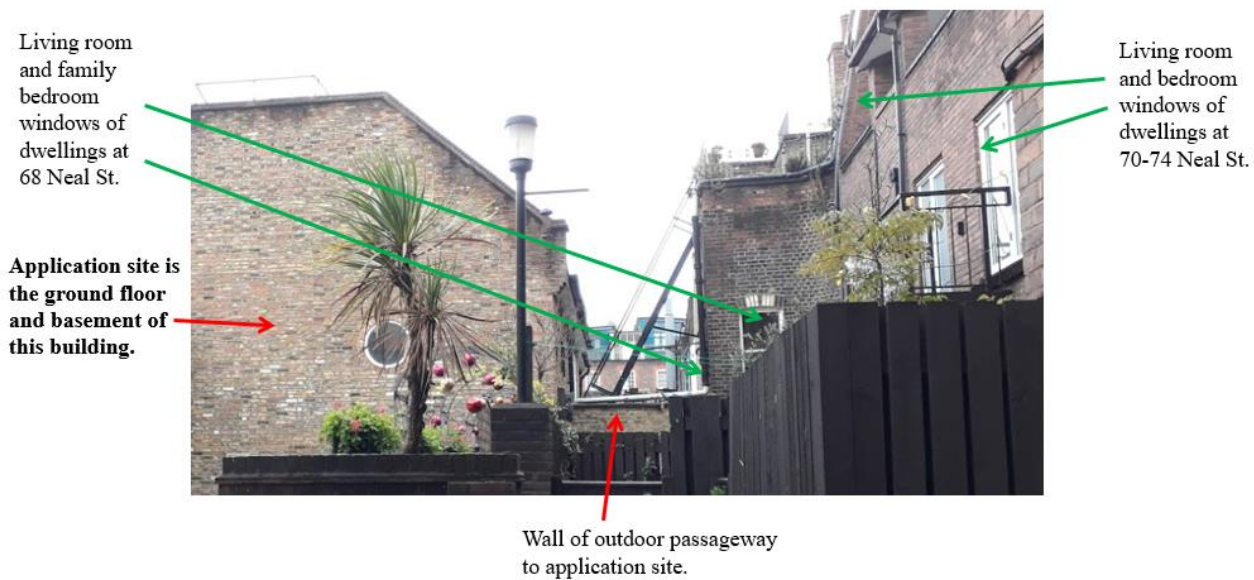
The office building shares an entrance with flats at 68 Neal Street. The entrance starts with a small doorway on Neal Street, and continues with a narrow corridor under 68 Neal Street, then a passageway out in the open until it reaches the door of the office building to the rear.

In addition to the flats at 68 Neal Street itself, all the neighbouring buildings are residential, and back onto the shared space that is occupied by the site. They include:

- 70-74 Neal Street, with 6 flats.
- 66 Neal Street, with 3 flats.
- 61 Endell Street, with 6 flats.
- 71 Endell Street, with 8 flats.

Many of these flats are occupied by families. A feel for how close they are to the application site is given by the pictures below.

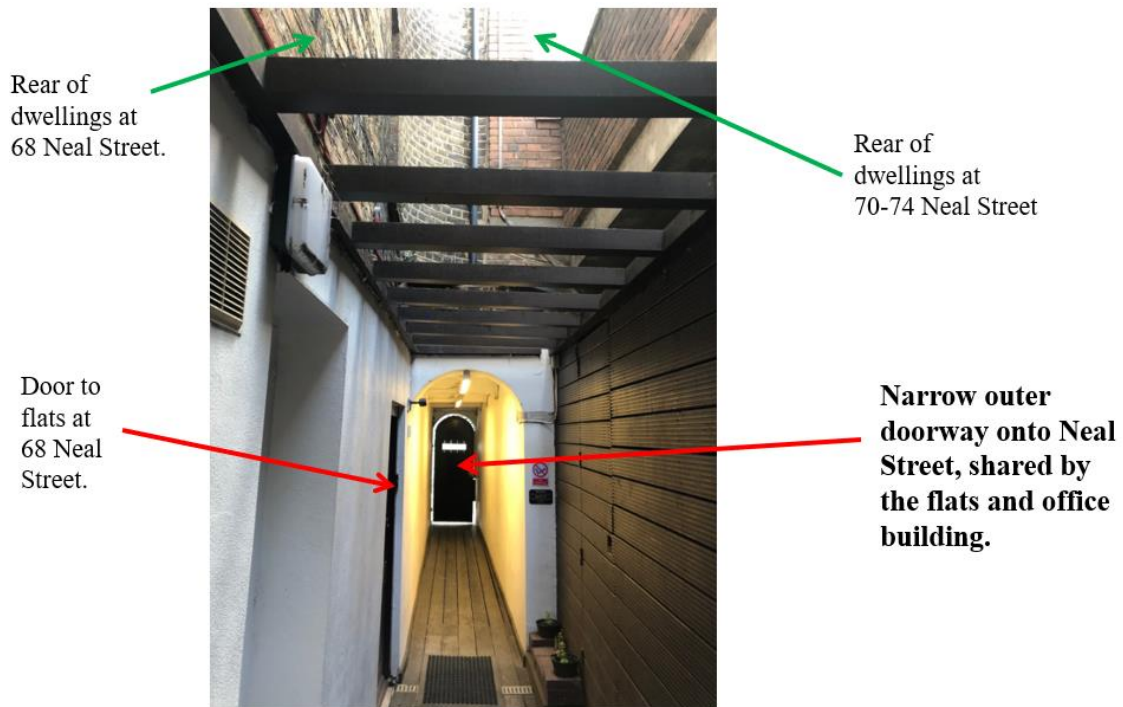
View from the rear at 70-74 Neal Street



View from the rear at 71 Endell Street



View from office building along shared passage - part enclosed / part open beneath residential buildings



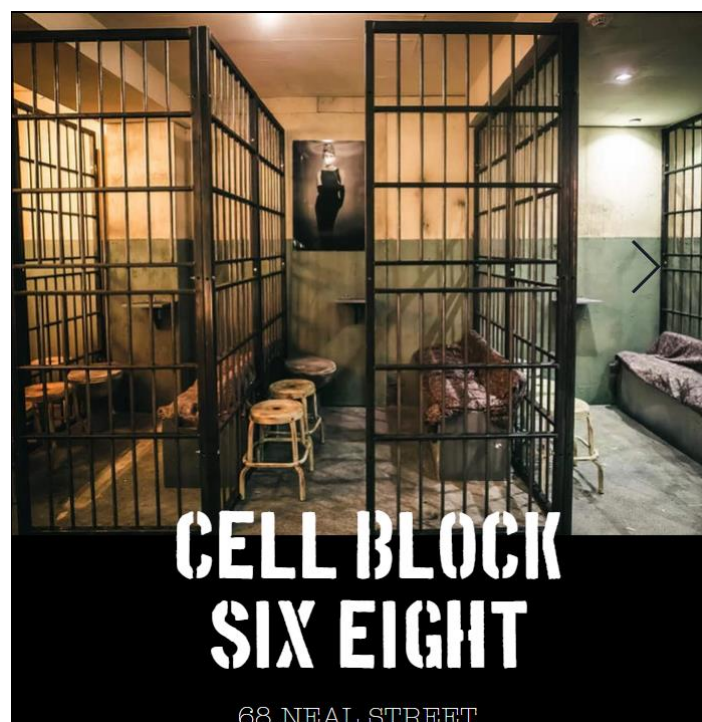
There are even more flats in the next buildings along both streets, and opposite the entrance on Neal Street.

Nature of the operation

The use that is being applied for is “immersive theatrical experience (Sui generis)”. It is a retrospective application because the site has been used (problematically) for these purposes for several months.

The experience is called ‘Alcotraz’ and the theme is smuggling alcohol into a prison. A feel for the operation is given by the pictures below.

View of interior – taken from the applicant’s website



View of operational style – taken from a stag party website



The application gives the size of the site as 131 square metres, 97 of which are at basement level. The events space there appears on the plans to be less than 75 square metres. The Design & Access statement says that “there are only ever 11 staff members on the premises at any given time (to a maximum of 40 guests).”

The operation therefore involves up to 51 people squeezed into less than 75 square metres for hours at a time. They must then leave at night through a narrow exit and passageway under flats that allows people to move only in single file.

In addition to the amenity issues described below, we believe that the operation is itself unsafe for such a large number of people in a tight space with one narrow means of access.

Objection on grounds of loss of neighbouring amenity

As shown above, the context within which the application site lies is densely residential. The entrance requires access through a narrow open space between residential buildings. This space is hard-surfaced, and every sound echoes.

Office uses at the application site have caused few problems because access is mostly during the day, and the numbers of trips where people come in and out are low.

However, the proposed use as an ‘immersive theatre experience’ would cause problems, as access is required at night and for large groups of people in party mood.

Indeed, the unconsented use has already caused problems, and the council is aware of complaints throughout the past Autumn and Winter when the space was being used for events.

The complaints include:

- Noise echoing in the open space at the back that causes considerable nuisance to residents in several buildings.
- Congestion, ringing doorbells, and unpleasantness from patrons jostling with residents in the narrow corridor under 68 Neal Street - which is also the only means of access to the flats there.
- Noise, drunken behaviour and obstruction from crowds of patrons gathering in Neal Street before and after attending events at the application site. This affects businesses further down Neal Street

as well as residents, because patrons are instructed to meet at the location disclosed on their tickets which is some distance away.

- Loiterers smoking and drinking in the street under bedroom windows until the early hours. This can go on until very late, as patrons of Alcotraz finish off the alcohol that they have remaining after the event. It frequently prevents residents from sleeping.
- Fire alarms going off after Midnight.
- Noise within the building which causes nuisance to other business occupiers. We understand that this was a factor in the dental practice above the events space moving out, and that a tenant of another floor was unhappy with the new arrangements and has since given notice.

The only thing that is surprising to us is that all this has been allowed to continue for so long.

The nature of the complaints is not surprising given the operation. With up to 40 patrons per sitting, and 2 sittings in the evening with more in the afternoons at weekends, the volume of comings-and-goings is enormous. Including staff, there can be over 180 person trips in and out of the space in one evening. 160 of these will involve people carrying clanking bags of bottles.

Up to 80 of these people have been drinking cocktails, usually without food. And outside they have plenty of their own drink left to finish in the street before everyone goes home.

The application states that “It is deemed that this change of use does not negatively affect the surrounding area adversely in any way and should be viewed as a positive addition to the local community.” Clearly this claim is very, very far from the case.

It is, in fact, clear that the applicant’s Operational Management Plan is not fit for purpose. The version submitted with the application states that:

- “Clientele are routinely reminded to remain quiet by staff members before entering the application site, including the corridor leading to ‘Alcotraz’ itself. Reminders are issued that loitering and the creation of unacceptable noise disturbances can result in no admission to the immersive theatrical experience.” The complaints indicate that these measures have been ineffective in eliminating antisocial activity.
- “The applicant believes that the operational management measures currently in place are effective and go well beyond the expected requirements.” Sadly, given the level of complaints from his neighbours, this statement shows the applicant to be out of touch with them.
- “The current hours of operation are in line with the neighbouring properties within Neal Street and the wider Covent Garden area in that there are very little residential properties in such a commercial location.” Given the majority of units surrounding the events space are residential, the applicant demonstrates a lack of understanding of the context in which he is working.

It is our view that no Operational Management Plan could make Alcotraz, or any similar ‘immersive experience’, suitable use for the site at 68a Neal Street. The use is contrary to the principles of the Local Plan, whose spatial strategy specifically states that “The council will support residential communities within Central London by protecting amenity”. It is contrary to Policy TC4 on town centres where “The Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.”

The Planning Guidance states that “Food, drink and entertainment uses should be located in areas where their impact can be minimised”. The site behind 68 Neal Street is not such an area!

Poor job creation, and failure of applicant to make serious attempts to market the existing use

Although, as stated above, the premises are clearly unsuited to the use applied for, we would also like to address the applicant's reasoning in relation to employment and viability, and to show that planning policy cannot be used to justify the application on those grounds.


A floor of the same building which is the same rentable size as the application site is on the market as a fully-serviced office with the description shown below.

Current advertisement to let an upper floor in the same building as the application

offices.org.uk/serviced-offices/london/covent-garden/68a-neal-street-45961.html

[Offices.org.uk](#) > [Serviced Offices](#) > [London Serviced Offices](#) > [Covent Garden Serviced Offices](#) > [68A Neal Street](#)

Office Space at 68A Neal Street in Covent Garden



Serviced Offices

20 person office in Neal Street in the heart of Covent Garden

This listing offers excellent office accommodation located in a prime area of Central London, with easy access to fantastic public transport links and great local amenities. The modern brick office building has a 1,200 Sq ft office becoming available from 12th July. The office suite is suitable for up to 20 persons and the all inclusive rent is £7,000 pcm. Tenants can benefit from a wealth of fantastic facilities, this includes; a vibrant breakout space, high speed internet and access to

Firstly, the applicant claims that the use applied for would increase employment. His operation offers 2 full-time and 15 part-time roles. However, as we can see from this advertisement, a floor of this building will accommodate 20 full-time people, which would mean more jobs in the area if it were office use.

Secondly, the applicant claims to have placed the basement floor on the market for some time at £50 psf + £20 psf rates for a 4 year lease. So the total cost is £70 psf + bills. This is more expensive than the flexible term, serviced office being offered on the upper floor that is a far superior space with windows - the cost of which is £70 psf all-inclusive.

We have not seen the basement of the property marketed in the area, in fact – and certainly not with any of the agents who usually cover our area. However, had it been on offer, then it is clearly vastly over-priced for what is essentially a refurbished storage space with no windows at a higher price than a proper upper level office floor with natural light in the same building.

We suggest that the applicant is seeking to increase his yield on the property in an unfair way via this application. Were the property to be marketed as an office or as storage space, at a competitive price commensurate with its amenities, then we can see no reason why it would not be viable. The applicant was fully aware of the situation when he took on the property.

Consideration of Local Planning Authority role where the Local Licensing Authority's role is denied

The operation promoted by the applicant raises serious questions for the council in its dual role as Planning and Licensing authority.

The website for the venue states "The working inmates of Block Six Eight will be serving unique, personalised cocktails behind bars using liquor that visiting convicts will have smuggled in." And it is listed as a 'Cocktail Bar' on most tourist sites.

The clue is in the name, after all! 'Alcotraz' rather than 'Alcatraz' is an alcohol-led operation.

Were the operation to apply for a licence then it would be almost certain not to receive one due to the problems outlined above in relation to the site's location in the midst of dwellings, and to it being within a stress area where the presumption is to refuse new licences. Indeed, any licence application might be refused on all three counts: prevention of public nuisance, protection of children from harm, and crime & disorder.

However, the applicant sells tickets for patrons to access the building and the general 'experience'. He does not sell the alcohol itself, but mixes it and serves it. The applicant acknowledges that this has some equivalence to a licensable activity because his Operational Management Plan states that "Staff undergo training specifically to align and adhere with the licensing goals of the area, and to adhere to a policy on the protection of children from harm."

But since the sale of tickets alone seems to fall outside the current scope of the Licensing Act, the council is left to control such an operation solely through the Planning regime.

For the reasons stated above we believe that it is important that this planning application is not only refused, but that enforcement action is taken against the applicant for operating a business so wholly in breach of the consented use.

At the present time we understand from the Planning Enforcement team that there is a little more capacity to take action, so we ask that you require the applicant to strip out the premises now to prevent it being used once Covid-related measures are eased. If Alcotraz were to resume operations at this site, then it would continue to make the lives of its neighbours a misery.

Yours sincerely,

Elizabeth Bax
Chair, Planning Subcommittee

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